

Plaintiffs' Exhibit 79

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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

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- HIGHLY CONFIDENTIAL -

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VIDEOTAPED DEPOSITION OF

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Reported by: Bonnie L. Russo

Job No. CS6074125

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<p>1 A. Still a civil servant so...</p> <p>2 Q. So in the first four years, you were</p> <p>3 at the Office of Mental Health and Suicide</p> <p>4 Prevention, you were on a nonpermanent -- you</p> <p>5 were in a nonpermanent role; is that right?</p> <p>6 A. I don't know that I would</p> <p>7 characterize it -- it was the detail. I was</p> <p>8 still a full-time civil servant on a detail.</p> <p>9 Q. I am just trying to understand. You</p> <p>10 said you were permanently reassigned to the</p> <p>11 Office of Mental Health and Suicide Prevention,</p> <p>12 what's the distinction that you are drawing</p> <p>13 there? How is that different than what you</p> <p>14 were doing for the first four years?</p> <p>15 A. With the federal government, you</p> <p>16 have what they call billets or FTEs, full-time</p> <p>17 equivalents. And each office has, like, oh,</p> <p>18 you have 50 people, you can't have more than 50</p> <p>19 people. We really want to hire you but we can</p> <p>20 only have 50 people. Well, then a</p> <p>21 reorganization happened and they got some more</p> <p>22 billets, and they were, like, we love you, we</p>	<p>1 resources to get mental health treatment, so</p> <p>2 communication products that fulfill that</p> <p>3 mission.</p> <p>4 You know, everything from websites</p> <p>5 to print and electronic materials, development,</p> <p>6 video production and paid media.</p> <p>7 Q. And then in your -- your other role,</p> <p>8 external education and communication to VA's</p> <p>9 primary stakeholders and veterans, what do you</p> <p>10 -- what does that entail?</p> <p>11 A. That is part of the national</p> <p>12 campaign, yeah. That's what we do is, you</p> <p>13 know, external communication is part of the</p> <p>14 national campaigns.</p> <p>15 Q. What are the campaigns that you</p> <p>16 oversee right now?</p> <p>17 MR. CARMAN: Objection. Foundation.</p> <p>18 BY MS. MORGAN:</p> <p>19 Q. Do you oversee campaigns right now?</p> <p>20 A. Yes.</p> <p>21 Q. Which campaigns are you overseeing</p> <p>22 right now?</p>
<p>1 have room now so...</p> <p>2 Q. Okay. What's your -- what was your</p> <p>3 title after you were permanently assigned to</p> <p>4 the Office of Mental Health and Suicide</p> <p>5 Prevention?</p> <p>6 A. Management and program analyst.</p> <p>7 Q. And what are your responsibilities</p> <p>8 in that role?</p> <p>9 A. Large, national campaign management</p> <p>10 and external education and communication to</p> <p>11 VA's primary stakeholders, veterans.</p> <p>12 Q. What does large, national campaign</p> <p>13 management entail?</p> <p>14 A. Many things.</p> <p>15 Q. Can you just give me a summary?</p> <p>16 A. Outreach with other organizations.</p> <p>17 They can be, you know, nonprofits or</p> <p>18 corporations or other government agencies,</p> <p>19 websites, communication product development,</p> <p>20 all of this is focused on mental health, and</p> <p>21 mental health services, mental health</p> <p>22 resources, encouraging veterans to access</p>	<p>1 A. Make the Connection and general</p> <p>2 mental health. I would just call it general</p> <p>3 mental health. It doesn't have a specific</p> <p>4 title. The stuff we create for general mental</p> <p>5 health drives people to mentalhealth.VA.gov.</p> <p>6 Q. Are there individual ad campaigns</p> <p>7 within the general mental health category?</p> <p>8 A. Yes.</p> <p>9 Q. What are some of those?</p> <p>10 A. Can you clarify that?</p> <p>11 Q. Yeah. I guess I am trying to</p> <p>12 understand if general mental health has</p> <p>13 initiatives within it or specific campaigns</p> <p>14 within it where there is, like, different</p> <p>15 creative that is constructed or where there is</p> <p>16 a different media plan for how the media is</p> <p>17 going to be distributed.</p> <p>18 Are there different campaigns with</p> <p>19 that understanding?</p> <p>20 MR. CARMAN: Objection to form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. MORGAN:</p>

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1 A. It is.	1 Foundation.
2 Q. Is that a specific ad campaign that	2 THE WITNESS: No.
3 is -- is Suicide Prevention Month a specific ad	3 BY MS. MORGAN:
4 campaign that falls under the umbrella of	4 Q. The next sentence says: "We will
5 mental health initiatives in the Office of	5 mark this as approved."
6 Mental Health and Suicide Prevention?	6 Do you see that?
7 MR. CARMAN: Objection. Form.	7 A. I do.
8 THE WITNESS: We sort of define	8 Q. Does the Office of Mental Health and
9 loosely, you know, semantics, but this is an	9 Suicide Prevention always approve the media
10 observance that has paid media as part of an	10 plans that are created by its contractors?
11 overall campaign.	11 MR. CARMAN: Objection. Form.
12 BY MS. MORGAN:	12 Foundation.
13 Q. What is the strategy of the overall	13 THE WITNESS: Yes.
14 campaign it's a part of?	14 BY MS. MORGAN:
15 A. Awareness.	15 Q. You have never seen a media -- like
16 Q. What is the specific strategy	16 a contractor move forward with a media plan
17 associated with -- is there a specific strategy	17 without seeking approval from the Office of
18 associated with Suicide Prevention Month?	18 Mental Health and Suicide Prevention?
19 A. Building awareness of resources.	19 A. In my experience in my role,
20 Q. What resources?	20 absolutely not.
21 A. In this instance the reach-out	21 Q. Would you expect that that could
22 campaign.	22 ever happen?
Page 155	Page 157
1 Q. And what's the reach-out campaign?	1 MR. CARMAN: Objection. Form.
2 A. It's a Suicide Prevention Month	2 Foundation.
3 slogan to promote veterans to reach out if they	3 BY MS. MORGAN:
4 become, you know -- are in moments of crisis	4 Q. Just based on your experience, do
5 basically.	5 you have any understanding of whether that
6 Q. In the -- in the first line of this	6 could happen?
7 e-mail underneath the greeting, it says:	7 A. I don't work with any people in the
8 "Thanks for the time today as we walked through	8 government that I have ever been around in my
9 the specific channels and tactics recommended	9 23 years of federal service who would do
10 for SPM. The plan is attached."	10 something that was morally questionable or
11 Do you see that?	11 unethical like that.
12 A. I do.	12 Q. Would you consider not approving a
13 Q. Do you understand what Ms. Stoltz	13 media plan to be morally questionable?
14 meant by specific channel and tactics?	14 A. Maybe not morally question. It
15 A. I assume I knew what she meant at	15 would be unethical, and it would be a violation
16 the conclusion of that meeting. Currently I	16 of the contract, and it would jeopardize the
17 would have to refresh myself, but I am pretty	17 relationship and could lead to more severe
18 sure they are also included in this attachment.	18 consequences for a contractor because it's
19 Q. Do you have any understanding of if	19 pretty clearly stated what is -- should and
20 there is a difference between a channel and	20 should not happen in regards to paid media
21 tactic?	21 plans.
22 MR. CARMAN: Objection. Form.	22 Q. When you say "it's clearly stated,"

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1 do you mean the contractor has to seek 2 approval? 3 A. It says the contractor needs -- the 4 paid media plan has to be approved and that 5 anything that's paid or placed has to be 6 preapproved. 7 Q. So when you're talking about 8 something being unethical, you're talking about 9 the contractor being unethical for moving 10 forward without getting approval for a media 11 plan, not the VA or some other government 12 agency being unethical because a contractor 13 didn't? 14 A. Yes. 15 MR. CARMAN: Objection. 16 BY MS. MORGAN: 17 Q. Okay. 18 A. Sorry. 19 Q. Are you authorized to approve a 20 media plan for the Office of Mental Health and 21 Suicide Prevention? 22 A. Yes.	1 concurred. And, you know, that's generally how 2 things happen there. 3 Under mental health and Make the 4 Connection, we -- we brief our chief of staff, 5 but we are the ultimate approvers on the paid 6 media plan. 7 Q. Okay. I think I understand the 8 point of clarification here, but let me make 9 sure. 10 So you told me earlier that you work 11 in the mental health side of the -- mental 12 health communication side of the Office of 13 Mental Health and Suicide Prevention; is that 14 right? 15 MR. CARMAN: Objection. Form. 16 THE WITNESS: That sounds accurate. 17 BY MS. MORGAN: 18 Q. Okay. And there are ad campaigns 19 that fall on the mental health side or 20 initiatives that fall on the mental health 21 side, including Make the Connection, and mental 22 health generally, which has a lot of topics
Page 159	Page 161
1 Q. Were you authorized to approve the 2 Suicide Prevention Month media plan? 3 A. I think this requires a little 4 clarification. It depends on the program and 5 how each of those programs in the office are -- 6 what their leadership requires. 7 And in our current -- under this 8 specific evidence that you've provided, we 9 volunteered to assist the suicide prevention 10 program for a limited time period. Their 11 communication program in general was faltering. 12 And so as part of our volunteer work, we came 13 in and fixed certain elements that were -- that 14 were broken. 15 However, they have a much more 16 direct leadership style, and so many of these 17 media plans require at least the leadership of 18 suicide prevention or deputy approval. If I 19 recall correctly, something like this would 20 have either been approved -- you know, we would 21 have briefed Dr. Lisa Kearney or Dr. Matt 22 Miller on this, and they would have at least	1 under it; is that right? 2 A. That's correct. 3 Q. Okay. There are also ad campaigns 4 and topics that fall on the suicide side of the 5 office; is that correct? 6 A. Correct. 7 MR. CARMAN: Objection. Form. 8 BY MS. MORGAN: 9 Q. Okay. Is -- Suicide Prevention 10 Month is on the suicide -- Suicide Prevention 11 Month is on -- not in the mental health side of 12 the Office of Mental Health and Suicide 13 Prevention; is that right? 14 MR. CARMAN: Objection. Form. 15 THE WITNESS: Yes. 16 BY MS. MORGAN: 17 Q. Okay. So this campaign, Suicide 18 Prevention Month, falls under the suicide side 19 of the Office of Mental Health and Suicide 20 Prevention; is that right? 21 A. Yes. 22 Q. And you were working on this

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<p>1 Q. Are those transactions that Reingold 2 did with Google to the best of your knowledge?</p> <p>3 MR. CARMAN: Objection to form. 4 Foundation.</p> <p>5 THE WITNESS: To the best of my 6 understanding, those are ads that Reingold 7 purchased on behalf of the United States 8 Government.</p> <p>9 BY MS. MORGAN:</p> <p>10 Q. And were those ads purchased through 11 Google?</p> <p>12 MR. CARMAN: Objection. Form. 13 Foundation.</p> <p>14 THE WITNESS: I think that's asking 15 me to speculate.</p> <p>16 BY MS. MORGAN:</p> <p>17 Q. Does it say Google in this line 18 item?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have an understanding -- you 21 testified that the lines above this related to 22 Facebook were about transactions with Facebook.</p>	<p>1 similar to the above information, that those 2 are ads purchased on the Bing search engine. 3 BY MS. MORGAN: 4 Q. Do you know what kind of ads those 5 might be? 6 A. I don't recall in this instance, no, 7 I do not. Likely some sort of search ad 8 related to Bing search results, but that is a 9 speculation.</p> <p>10 Q. Below Microsoft Bing there is one 11 line that says: "Yahoo." 12 Do you see that? 13 A. I do. 14 Q. Do you know what that's referring 15 to? 16 A. No. Likely Yahoo search engine 17 stuff too. 18 Q. Do you know if the Office of Mental 19 Health and Suicide Prevention -- well, scratch 20 that. 21 Do you know if Reingold purchases 22 ads for the suicide prevention campaign or any</p>
Page 219	Page 221
<p>1 Do you have a reason to think that 2 the lines that say Google right below that 3 would not be about transactions with Google?</p> <p>4 MR. CARMAN: Objection. Form. 5 Foundation.</p> <p>6 THE WITNESS: I feel like you 7 switched your words between Facebook and Google 8 a little bit, but I would say that based on 9 this spreadsheet this appears to be ads that 10 were purchased on Facebook. I cannot verify 11 whether these were purchased through Google or 12 through Facebook, but it appears to be the 13 case.</p> <p>14 BY MS. MORGAN:</p> <p>15 Q. Okay. What about below there? 16 There is a line that says: "Microsoft Bing."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Do you have an understanding of what 20 that is referring to?</p> <p>21 MR. CARMAN: Objection. Form.</p> <p>22 THE WITNESS: It appears to be</p>	<p>1 other campaign for the Office of Mental Health 2 and Suicide Prevention using Yahoo programmatic 3 buying and selling technology?</p> <p>4 MR. CARMAN: Objection. Form. 5 Foundation.</p> <p>6 THE WITNESS: I do not know. 7 BY MS. MORGAN: 8 Q. Do you know what a DSP is? 9 A. I did. Now I forgot. Digital 10 service provider. 11 Q. Do you know what a DSP is used for? 12 A. It is used in some way on 13 programmatic ad stuff. 14 Q. Do you know if there are DSPs that 15 Reingold has used to buy ads for campaigns 16 through the -- for campaigns for the Office of 17 Mental Health and Suicide Prevention?</p> <p>18 MR. CARMAN: Objection to form. 19 THE WITNESS: I know that Reingold 20 has used DV360 to purchase ads for the Office 21 of Mental Health and Suicide Prevention. 22 BY MS. MORGAN:</p>

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<p>1 Q. Do you -- is it your understanding 2 that DV360 is a DSP?</p> <p>3 A. I think so. I'm not positive.</p> <p>4 Q. Do you know if Reingold has used a 5 DSP owned by Yahoo?</p> <p>6 A. I am not aware of that.</p> <p>7 Q. Do you know if Reingold has used a 8 DSP from The Trade Desk?</p> <p>9 MR. CARMAN: Objection to form.</p> <p>10 THE WITNESS: I definitely have 11 never seen that. I don't know, no.</p> <p>12 BY MS. MORGAN:</p> <p>13 Q. Have you ever evaluated which DSPs 14 are used to buy ad space for campaigns of the 15 Office of Mental Health and Suicide Prevention?</p> <p>16 MR. CARMAN: Objection. Form.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MS. MORGAN:</p> <p>19 Q. Have you ever evaluated any other ad 20 tech tools used for programmatic buying in -- 21 for campaigns of the Office of Mental Health 22 and Suicide Prevention?</p>	<p>1 has never contracted directly with Google.</p> <p>2 BY MS. MORGAN:</p> <p>3 Q. What about any other ad tech 4 providers? To your knowledge, has the Office 5 of Mental Health and Suicide Prevention 6 contracted with any ad tech providers?</p> <p>7 MR. CARMAN: Objection. Form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MS. MORGAN:</p> <p>10 Q. To your knowledge, has the Office of 11 Veteran Affairs generally -- I am just talking 12 about within your knowledge. Has the Office of 13 Veteran Affairs generally contracted directly 14 with Google --</p> <p>15 MR. CARMAN: Objection to form and 16 foundation.</p> <p>17 BY MS. MORGAN:</p> <p>18 Q. -- for --</p> <p>19 MR. CARMAN: Sorry. I didn't mean 20 to cut you off.</p> <p>21 BY MS. MORGAN:</p> <p>22 Q. Has the Office of Veteran Affairs</p>
Page 223	Page 225
<p>1 MR. CARMAN: Objection. Form.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. MORGAN:</p> <p>4 Q. Do you know what The Trade Desk is?</p> <p>5 A. No.</p> <p>6 Q. In the document we were just looking 7 at, Reingold is asking for payment from the 8 Office of Veterans Affairs; is that right?</p> <p>9 MR. CARMAN: Object to form and 10 foundation.</p> <p>11 THE WITNESS: Reingold is invoicing 12 to be reimbursed for what appears to be 13 exclusively paid media that they purchased 14 under the direction of the government.</p> <p>15 BY MS. MORGAN:</p> <p>16 Q. To your knowledge, does the Office 17 of Mental Health and Suicide Prevention 18 contract directly with Google for the purchase 19 of ad space?</p> <p>20 MR. CARMAN: Objection to form.</p> <p>21 THE WITNESS: To my knowledge, the 22 Office of Mental Health and Suicide Prevention</p>	<p>1 generally contracted directly with Google for 2 programmatic sale or purchase of ad space?</p> <p>3 MR. CARMAN: Objection. Form.</p> <p>4 Foundation.</p> <p>5 THE WITNESS: From my direct 6 knowledge, I am not aware of the Department of 7 Veterans Affairs ever contracting directly with 8 Google.</p> <p>9 BY MS. MORGAN:</p> <p>10 Q. From your experience has the Office 11 of Veteran Affairs ever contracted directly 12 with any ad tech provider for the programmatic 13 buying or selling of ad space?</p> <p>14 MR. CARMAN: Objection to form.</p> <p>15 Foundation.</p> <p>16 THE WITNESS: To my knowledge, the 17 Department of Veterans Affairs doesn't have 18 personnel with the experience, not even the -- 19 the series number to be performing those types 20 of duties. Thus, why all of this type of ad 21 purchasing is done through specialized, 22 performance work statement contracts.</p>

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1 THE WITNESS: Yeah, I am	1 (Whereupon, the proceeding was
2 generalizing that I think most record retention	2 concluded at 4:08 p.m.)
3 policies are somewhere in the neighborhood of	3
4 seven years. That would include most records.	4
5 I highly doubt that they are deleting patient	5
6 records every seven years though, but most	6
7 business operational documents I think are	7
8 seven years.	8
9 BY MS. MORGAN:	9
10 Q. Do you use any kind of chat platform	10
11 to communicate at work?	11
12 A. We use Teams, yes.	12
13 Q. And you use the chat function inside	13
14 Teams?	14
15 A. Yes.	15
16 MS. MORGAN: Okay. I think we can	16
17 go off the record. I think I am done on the	17
18 30(b)(1), but I want to just talk to my team.	18
19 Does anyone object to taking a	19
20 break?	20
21 MR. CARMAN: No.	21
22 THE VIDEOGRAPHER: The time is	22
Page 291	Page 293
1 p.m. This ends Unit 5. Off the record.	1 CERTIFICATE OF NOTARY PUBLIC
2 (A short recess was taken.)	2 I, Bonnie L. Russo, the officer before
3 THE VIDEOGRAPHER: The time is	3 whom the foregoing deposition was taken, do
4 -- 4:08 p.m. We are on the record.	4 hereby certify that the witness whose testimony
5 MS. MORGAN: Mr. South, I am not	5 appears in the foregoing deposition was duly
6 going to have further questions for you as a	6 sworn by me; that the testimony of said witness
7 fact witness.	7 was taken by me in shorthand and thereafter
8 And before we go off the record in	8 reduced to computerized transcription under my
9 this deposition, I do want to just reserve	9 direction; that said deposition is a true
10 rights -- my understanding is that last night	10 record of the testimony given by said witness;
11 the Department of Justice informed Google that	11 that I am neither counsel for, related to, nor
12 there were some -- like several thousand	12 employed by any of the parties to the action in
13 documents of Mr. South's that had not been	13 which this deposition was taken; and further,
14 produced yet. We proceeded with the deposition	14 that I am not a relative or employee of any
15 anyways. It was scheduled. I'll just reserve	15 attorney or counsel employed by the parties
16 the right to reopen the deposition should that	16 hereto, nor financially or otherwise interested
17 become necessary when we look at the documents.	17 in the outcome of the action.
18 And I have no further questions on	18
19 this -- in this deposition.	19
20 MR. CARMAN: We have no questions.	20
21 THE VIDEOGRAPHER: The time is	21
22 p.m. We are off the record.	22

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, Bonnie L. Russo, the officer before
3 whom the foregoing deposition was taken, do
4 hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly
6 sworn by me; that the testimony of said witness
7 was taken by me in shorthand and thereafter
8 reduced to computerized transcription under my
9 direction; that said deposition is a true
10 record of the testimony given by said witness;
11 that I am neither counsel for, related to, nor
12 employed by any of the parties to the action in
13 which this deposition was taken; and further,
14 that I am not a relative or employee of any
15 attorney or counsel employed by the parties
16 hereto, nor financially or otherwise interested
17 in the outcome of the action.

18 
19 _____

20 Notary Public in and for
21 the District of Columbia

22 My Commission expires: August 14, 2025.

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1 ACKNOWLEDGMENT OF DEPONENT
2 I, KODY SOUTH, do hereby certify that I have
3 read the foregoing transcript of my testimony
4 taken on 8/31/23, and further certify that it
5 is a true and accurate record of my testimony
6 (with the exception of the corrections listed
7 below):

8 Page Line Correction

9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

KODY SOUTH

19 SUBSCRIBED AND SWORN TO BEFORE ME
20 THIS ____ DAY OF _____, 2023.
21

22 (NOTARY PUBLIC) MY COMMISSION EXPIRES:
Job No. CS6074125

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1 SEAN CARMAN, ESQUIRE
2 sean.carman@usdoj.gov
3 September 1, 2023
4 RE: United States, Et Al v. Google, LLC
5 8/31/2023, Koby South (#6074125)
6 The above-referenced transcript is available for
7 review.
8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.
12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to
15 Erratas-CS@veritext.com.
16
17 Return completed errata within 30 days from
18 receipt of testimony.
19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.
21
22 Yours,
23 Veritext Legal Solutions
24
25 Job No. CS6074125

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ACKNOWLEDGMENT OF DEPONENT

I, KOBY SOUTH, do hereby certify that I have read the foregoing transcript of my testimony taken on 8/31/23, and further certify that it is a true and accurate record of my testimony (with the exception of the corrections listed below):

Page	Line	Correction
195	11	cue
197	1	cue
201	9	cue
201	15	cue
106	6	ad
45	5	help
45	5	help
111	16	MTC
115	1 & 5	MTC



KOBY SOUTH

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 29 DAY OF September, 2023.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

Job No. CS6074125